DOCKET NO.: MSFT-0176
Application No.: 09/670,760
Office Action Dated: September 5, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Status of the Application

Upon entry of the present amendment, claims 1-23 and 25-33 will be pending in the present application. Claims 1, 15, 22 and 32 are the independent claims. In the Official Action, dated September 5, 2006, claims 1-2, 4-13, 15, 17-23, 25-30 and 32 stand rejected under 35 U.S.C. § 112, ¶ 1. Claims 1-2, 4-13, 15, 17-23, 25-30 and 32 stand further rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,647,399 (Zaremba) in view of U.S. Patent No. 6,145,088 (Stevens).Claim 14 was rejected under 35 U.S.C. § 103(a) over Zaremba in view of Stevens, and further in view of U.S. Patent No. 6,038,379 (Fletcher et al.). Claims 3, 16, 31 and 33 were rejected under 35 U.S.C. § 103(a) over Zaremba in view of Stevens, and further in view of U.S. Patent No. 6,073,128 (Pongracz et al.). Independent claims 1, 15, 22, and 32 have been amended. No new matter has been added.

35 U.S.C. § 112, ¶ 1 Rejections

The Examiner has rejected claims 1-2, 4-13, 15, 17-23, 25-30 and 32 under 35 U.S.C. § 112, ¶ 1. In the rejection, the Examiner stated that the feature of the "target object allows for the restoration of target objects without the restoration of the set of objects" failed to comply with the written description requirement. Applicants respectfully submit that the original amendment was meant to show that the cumulative backup file corresponding to a second time allows for the restoration of the target object objects without the restoration of the set of objects, and not that the target object allows for the restoration of the target object without the restoration of the set of objects, as stated by the Examiner. Accordingly, Applicants have amended the independent claims to make this distinction clear. Applicants submit that this feature is clearly described in the specification at page 10, lines 18-26, for example. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 1-2, 4-13, 15, 17-23, 25-30 and 32.

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35 U.S.C. § 103(a) Rejections

Independent claims 1, 15, 22, and 32, as amended, include features not taught by the prior art of record. Specifically, claim 1 recites:

> A method for generating backup files in a computer system, comprising:
> generating a full backup file corresponding to a first time for a set of objects in the computer system;
> generating at least one incremental file for said set of objects after said first time, wherein each of said at least one incremental file is associated with the set of objects;
> identifying a target object within said set of objects for the generation of cumulative backup files; and
> generating at least one cumulative backup file corresponding to a second time, after said first time, for said target object, wherein said generating of said at least one cumulative backup file is performed off-line, **wherein said at least one cumulative backup file corresponding to a second time allows for the restoration of the target object without the restoration of the set of objects**.

Zaremba purports to teach a system for performing a backup operation of a target file (Zaremba, Abstract). A delta backup is created of the target file to a delta backup set (Id.). The delta backup set includes all of the changes made to a file since it was Originally backed up the first time (Id.). The set is assigned a name component indicating the version of the backup set generated at the first time subject to the delta backup and an operation may be initiated to perform a full backup of the target file to a version of the full backup set and a second time (Id.). A determination is made of the delta backup sets having the name component indicating the version of the backup set generated at the first time subject to the delta backup and an operation is initiated to perform a full backup of the target file to a version of the full backup set at a second time (Id.).

Stevens purports to teach a method of remote recovery of inaccessible data on computer storage devices (Stevens, Abstract). The method establishes a communications link

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from the local computer containing the storage device requiring recovery of data to a remote

data recovery computer operated by a technician (Id.). A remote technician interacts as

though seated in front of the local computer yet having access to all software programs which

are resident at the technician's computer, allowing the remote technician to diagnose and

rectify the data loss (Id.).

Fletcher et al. purports to teach a computer network having workstations executing

many operating systems and a file server having a tape back up drive (Fletcher et al.,

Abstract). The file server runs a generic remote file system (GRFS) and workstations run

GRFS clients that allow the GRFS file system to access data on the workstations (Id.).

Pongracz et al. purports to teach a method for identifying backup files that can restore

a file in a transactional system (Pongracz et al., Abstract). A reset stamp and a filename are

used to identify backup files associated with a particular file since that file was last restored

(Id.). When the file needs to be restored, the minimum number of associated backup files are

retrieved to process the restoration (Id.).

Neither Zaremba nor Stevens, nor Fletcher et al., nor Pongracz et al., alone or in

combination, teach the **cumulative backup file corresponding to a second time allowing**

for the restoration of the target object without the restoration of the set of objects. There

is simply no description of this feature anywhere in the cited prior art. As described above,

Applicants have amended independent claim 1 to clarify that the cumulative backup file

allows for the restoration of the target object without restoration of the set of objects rather

than the target object itself. However, in the rejection to claim 1 in the 9/05/06 final rejection,

the Examiner points to no passage in any of the cited prior art disclosing such a feature.

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Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 1.

Independent claims 15, 22 and 32 contain features similar to those described for independent claim 1, and are therefore allowable for the same reasons given above. It is therefore respectfully requested that the Examiner withdraw the rejections and allow claims 15, 22 and 32.

Dependent claims 2-14, 16-21, 23, 25-31, and 33 are all variously dependent on independent claims 1, 15, 22 and 32, and are therefore patentable for at least the reasons given for the independent claims. It is therefore respectfully requested that the Examiner withdraw the rejections and allow claims 2-14, 16-21, 23, 25-31, and 33.

CONCLUSION

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submits that the claims of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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